

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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US BANK, NATIONAL ASSOCIATION,

Case No. 13-civ 7626 (NRB)

Plaintiff,

-against-

COMMONWEALTH LAND TITLE INSURANCE  
COMPANY,

**NOTICE OF MOTION TO  
DISMISS THE THIRD PARTY  
COMPLAINT**

Defendant.

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COMMONWEALTH LAND TITLE INSURANCE  
COMPANY,

**Hon. Naomi Reice Buchwald**

Third-Party Plaintiff,

-against-

ANM FUNDING LLC, ABE KLEIN, NOAH  
HERSHKOVITZ, LEAH HERSHKOVITZ, TSVINY  
HERSKKOVITZ, LOWENTHAL & KOFMAN, P.C.,  
MARTIN KOFMAN, NORMAN TEPFER, SAMUEL  
GLUCKMAN and ROLAND FIELDS,

Third-Party Defendants.

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**PLEASE TAKE NOTICE** that upon the annexed Declaration of Thomas A. Leghorn  
dated December 15, 2014, the pleadings and exhibits annexed thereto and the accompanying  
memorandum of law, third-party defendants Lowenthal & Kofman, P.C., Martin Kofman, and  
Norman Tepfer will move this court on **February 6, 2015**, as agreed by counsel, or as soon  
thereafter as counsel can be heard, before the Hon. Naomi Reice Buchwald at the Courthouse  
located at 500 Pearl St., Room 21A, New York, New York for an Order dismissing third-party  
plaintiff's claims against third-party defendants Lowenthal & Kofman, P.C., Martin Kofman, and

Norman Tepfer, in their entirety, pursuant Fed. R. Civ. P. 12(b)(6); and granting such other, further and different relief as this Court deems just and proper.

Dated: New York, New York  
December 22, 2014

Yours etc.,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

By:

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